

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

D.J.C.V., a minor child, and G.C., his father,

Plaintiffs,

-v-

UNITED STATES OF AMERICA,

Defendant.

20 Civ. 5747 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On October 16, 2020, defendant filed a motion to dismiss the complaint under Rule 12 of the Federal Rules of Civil Procedure. Dkt. 21. Under Rule 15(a)(1)(B), a plaintiff has 21 days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that plaintiffs shall file any amended complaint by November 6, 2020. No further opportunities to amend will ordinarily be granted. If plaintiffs do amend, by November 27, 2020, defendant shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying plaintiffs, stating that they rely on the previously filed motion to dismiss.¹

It is further ORDERED that if no amended complaint is filed, plaintiffs shall serve any opposition to the motion to dismiss by November 6, 2020. Defendants' reply, if any, shall be served by November 20, 2020.

SO ORDERED.

¹ If defendants file a new motion to dismiss or rely on their previous motion, plaintiff's opposition will be due 14 days thereafter, and defendants' reply, if any, will be due seven days after that.

A handwritten signature in blue ink that reads "Paul A. Engelmayer". The signature is written in a cursive style with a large, stylized 'P' and 'E'.

PAUL A. ENGELMAYER
United States District Judge

Dated: October 19, 2020
New York, New York